

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHAD HERSHEY,

Defendant.

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8:06CR62

ORDER

This matter is before the court on the motion to continue by defendant Chad Hershey (Hershey) (Filing No. 21). Hershey seeks a continuance of the trial of this matter which is scheduled for September 5, 2006. Hershey's counsel represents that counsel for the government has no objection to the motion.

Upon consideration, the motion will be granted subject to Hershey's counsel filing an affidavit by Hershey in accordance with paragraph 9 of the progression order whereby Hershey consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Such affidavit must be filed by September 11, 2006, or this matter will be restored to an earlier trial docket.

**IT IS ORDERED:**

1. Hershey's motion to continue trial (Filing No. 21) is granted.
2. Trial of this matter is re-scheduled for **November 6, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 31, 2006 and November 6, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 31st day of August, 2006.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge